

SECRETARY OF STATE[721]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State hereby amends Chapter 22, "Voting Systems," Iowa Administrative Code.

These amendments are necessary to provide voters with disabilities an opportunity to test and report on new accessible voting equipment before it is certified for use by the Board of Examiners for Voting Systems. Currently, meetings of the Examiners are noticed pursuant to Iowa Code chapter 21 and are open to the public. However, there are no formal procedures in place for the Examiners to receive feedback on the accessibility of new voting systems from interested parties.

These amendments were published under Notice of Intended Action in the Iowa Administrative Bulletin as **ARC 0556C** on January 9, 2013. Public comments were received from the Board of Examiners for Voting Systems who requested that the Examiners be able to proceed with a vote on state certification of a new voting system sooner than 30 days from the date of the examination and test in the event that no interested parties appear to participate in the testing of the new system under the proposed amendment. In response to the comments of the Examiners, these amendments have been updated to allow the Examiners to proceed with a vote on certification of a new system in the event that no interested parties participate in the testing under this amended rule.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 52.26.

These amendments will become effective June 19, 2013.

The following amendments are adopted.

ITEM 1. Adopt the following **new** subrule 22.9(6):

22.9(6) Accessibility testing by other interested parties. Any party interested in the accessibility of voting equipment that is being considered for state certification may request to be included on notices of meetings of the board of examiners. Requests shall be sent to the examiners, in care of the Elections Division, Office of the Secretary of State, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. Any parties present at the meeting may complete accessibility testing on the equipment and submit a report on the accessibility of the voting system to the examiners within 30 days of the date of the examination and test. The report may be made in written or oral form. If an interested party would like to make an oral report, the examiners may hear the report either in person or by conference call organized by the elections division, whichever the examiners prefer.

ITEM 2. Amend rule 721—22.12(52) as follows:

721—22.12(52) Report of findings. ~~The~~ Within 60 days of examining a voting system pursuant to this chapter, the examiners shall complete a report showing their findings. The report shall include a checklist containing all statutory requirements for voting systems and shall indicate whether each requirement applies to the voting system being examined and whether the voting system is compliant or not compliant. The checklist must indicate that all applicable items are compliant with statutory requirements in order for the examiners to find that the voting system may be approved for use.

22.12(1) Accessibility reports. If interested parties are present at the examination and test and participate in accessibility testing of the equipment, the examiners shall wait a minimum of 30 days from the date of the examination and test before completing the report required by this rule so that the examiners have sufficient time to receive and review any accessibility reports submitted by interested parties pursuant to subrule 22.9(6).

~~22.12(1)~~ **22.12(2) Approval *permits* prior to use.** If the report states that the voting system has been approved for use, the voting system may be adopted for use at elections.

~~22.12(2)~~ **22.12(3)** *Report filed with the secretary of state.* The report shall be filed with the secretary of state. The secretary of state shall retain the vendor's application and other documents submitted pertaining to the certification as long as the voting system remains certified.

[Filed 4/23/13, effective 6/19/13]

[Published 5/15/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/15/13.